

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-6850**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

HOSAM MOHAMMED ZAKARIA,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (CR-91-181, CA-02-1651-A)

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Submitted: July 10, 2003

Decided: July 17, 2003

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Before WILKINSON, MOTZ, and TRAXLER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Hosam Mohammed Zakaria, Appellant Pro Se. Steven John Mulroy, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Hosam M. Zakaria appeals the district court's order denying as successive his motion to vacate sentence under 28 U.S.C. § 2255 (2000), and his Fed. R. Civ. P. 59(e) motion for reconsideration of the denial of his § 2255 motion. This court may grant a certificate of appealability only if the appellant makes a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2) (2000). When, as here, a district court dismisses a § 2255 motion on procedural grounds, a certificate of appealability will not issue unless the petitioner can demonstrate both "(1) 'that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right' and (2) 'that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.'" Rose v. Lee, 252 F.3d 676, 684 (4th Cir. 2001) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)). We have independently reviewed the record and conclude that Zakaria has not made the requisite showing. See Miller-El v. Cockrell, 537 U.S. 322 (2003).

We deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED